

AMENDED IN ASSEMBLY APRIL 14, 2009

AMENDED IN ASSEMBLY MARCH 24, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 351

**Introduced by Assembly Members Salas and Ma
(Coauthor: Assembly Member Duvall)**

February 19, 2009

An act to amend Section 51222 of, and to add Section 51242.1 to, the Education Code, relating to physical education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 351, as amended, Salas. Physical education.

(1) Existing law requires all pupils who are not otherwise exempt to attend courses in physical education for a total period of time of not less than 400 minutes each 10 schooldays.

This bill would authorize the governing board of a school district to exempt any *high school* pupil from courses in physical education if the pupil participates in California Cadet Corps, cheer team or dance team, color guard or drill team, Junior Reserve Officer Training Corps, or marching band *as part of the regular school-sponsored extracurricular activities*. The bill would make other technical and clarifying changes.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 51222 of the Education Code is amended to read:

51222. (a) All pupils, except pupils excused or exempted pursuant to Sections 51241, 51242, and 51242.1, shall be required to attend courses in physical education for a total period of time of not less than 400 minutes each 10 schooldays. Any pupil may be excused from physical education classes during one of grades 10, 11, or 12 for a time period less than 24 hours in order to participate in automobile driver training. A pupil who is excused from physical education classes to enroll in driver training shall attend a minimum of 7,000 minutes of physical education instruction during that school year.

(b) The governing board of each school district that maintains a high school and that elects to exempt pupils from required attendance in physical education courses pursuant to paragraph (1) or (2), or both, of subdivision (b) of Section 51241 shall offer those exempted pupils a variety of elective physical education courses of not less than 400 minutes each 10 schooldays.

SEC. 2. Section 51242.1 is added to the Education Code, to read:

51242.1. The governing board of a school district that provides ~~the following courses or programs may exempt any pupil the~~ *following courses or programs as part of the regular course of study or as part of the regular school-sponsored extracurricular activities may exempt any high school pupil* participating in such a course or program from courses in physical education:

- (a) California Cadet Corps.
- (b) Cheer team or dance team.
- (c) Color guard or drill team.
- (d) Junior Reserve Officer Training Corps.
- (e) Marching band.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

- 1 In order for pupils to avail themselves of the physical education
- 2 exemptions specified in this act as soon as possible, it is necessary
- 3 that this act take effect immediately.

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